

ASSEMBLY BILL

No. 1236

Introduced by Assembly Member Jerome Horton

February 21, 2003

An act to amend Section 54957 of the Government Code, relating to open meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1236, as introduced, Jerome Horton. Open meetings: closed sessions: security information.

Under the Ralph M. Brown Act, the meetings of the legislative body of a local agency are required to be conducted openly and publicly, with specified exceptions.

Under the act, if certain information is disclosed in an open and public session prior to holding a closed session, the legislative body of a local agency may hold closed sessions with the Attorney General, district attorney, sheriff, or chief of police, or their respective deputies, or a security consultant or security operations manager on matters posing a threat to the security of public buildings, a threat to the safety and delivery of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric services, or a threat to the public's right of access to public services or public facilities.

This bill would include as additional matters that may be considered in closed sessions under these provisions measures proposed or taken, including the deployment of law enforcement personnel, to protect against these threats.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 54957 of the Government Code is amended to read:

54957. (a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions with the Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities, *or on measures proposed or taken, including the deployment of law enforcement personnel, to protect against these threats.*

(b) (1) Subject to paragraph (2), nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions

1 as an officer or an employee but shall not include any elected
2 official, member of a legislative body or other independent
3 contractors. Nothing in this subdivision shall limit local officials'
4 ability to hold closed session meetings pursuant to Sections 1461,
5 32106, and 32155 of the Health and Safety Code or Sections 37606
6 and 37624.3 of the Government Code. Closed sessions held
7 pursuant to this subdivision shall not include discussion or action
8 on proposed compensation except for a reduction of compensation
9 that results from the imposition of discipline.

O

